
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ELPIDIO DELGADO, JR.

Plaintiff,

versus

BUREAU OF PRISONS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:04-CV-449

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Elpidio Delgado, Jr., proceeding *pro se*, filed this civil rights lawsuit against the Bureau of Prisons, Rudy Childress, Ronald Thompson, Harrell Watts, Richard Garza and David Garnica. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

The defendants have filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections asserted by plaintiff. After careful consideration, the court is of the opinion that the objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. The defendants' motion for summary judgment is **GRANTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 13th day of September, 2007.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE